IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

OP.No. 16886 of 1998(I)

PETITIONER:

ST.JOSEPH'S CHURCH,
THEKKUMBHAGAM,
CHAVARA SOUTH, THEKKUMBHAGAM VILLAGE,
KARUNAGAPPALLY, REPRESENTED BY THE
PRESENT VICAR, REV.FR.SEBASTIAN SEFERNOS, AGED 56.

BY ADV. SRI.K.K.JOHN

RESPONDENTS:
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1. **THE DISTRICT COLLECTOR, KOLLAM.**

2. **THE ASSISTANT DIRECTOR OF RE-SURVEY, KOLLAM.**

3. **THEKKUMBHAGAM GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY, CHAVARA SOUTH, PIN – 691 584.**

BY ADV. SRI.SIBY MATHEW for R3
SRI.WILSON URMESE
BY GOVERNMENT PLEADER SMT. N.SUDHADEVI for R1 & R2

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 17/08/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.29886/1998 IN O.P.NO.16886/1998 I

DISMISSED

17/08/2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE SALE DEED NO.1695/1095 OF THE QUILON SUB REGISTRY OFFICE IN FAVOUR OF THE PETITIONER CHURCH.**

EXT.P2: **COPY OF THE TAX RECEIPT DTD. 16/10/1996.**

EXT.P3: **COPY OF THE MINUTES OF THE MEETING OF GENERAL BODY OF THE CHURCH DTD. 15/11/1981.**

EXT.P4: **COPY OF THE APPEAL PETITION FILED BY THE PETITIONER BEFORE THE R.D.O.**

EXT.P5: **COPY OF THE REPORT OF THE SURVEY SUPERINTENDENT DTD. 18/03/1997.**

EXT.P6: **COPY OF THE ORDER DTD. 4/04/1997 BY THE DISTRICT COLLECTOR.**

EXT.P7: **COPY OF THE ORDER DTD. 19/09/1997 BY THE 1ST RESPONDENT.**

EXT.P8: **COPY OF THE JUDGMENT IN O.P.NO.17163 OF 1997 OF THIS HON'BLE COURT.**

EXT.P9: **COPY OF THE PETITION DTD. 1/09/1997 BY THE PANCHAYATH TO THE DISTRICT COLLECTOR.**

EXT.P10: **COPY OF THE ORDER OF THE 3RD RESPONDENT DTD. 11/10/1996.**

EXT.P11: **COPY OF THE REPLY DTD. 25/10/1996 BY THE PETITIONER.**

EXT.P12: **COPY OF THE COVERING LETTER ISSUED TO THE PANCHAYATH DTD. 10/06/1997.**

EXT.P13: **COPY OF THE ORDER DTD. 29/07/1998 OF THE 1ST RESPONDENT.**

/TRUE COPY/

P.A.TO JUDGE

KSS

KURIAN JOSEPH, J.

O.P. NO. 16886 OF 1998

Dated this the 17th day of August, 2007.

J U D G M E N T

Petitioner is essentially aggrieved by Exhibit P13 order passed by the District Collector under the provisions of the Kerala Survey & Boundaries Act, 1961. As observed by this Court in the order dated 13.12.2005, the remedy open to the petitioner, if still aggrieved, is to institute a civil suit as contemplated under Section 14 of the Act.

2. In view of the pendency of the original petition before this Court since 1998, it is made clear that in the event of the petitioner instituting a suit under Section 14 of the Act within a period of two months from today, the same shall be treated to have been instituted in time. It will also be open to the petitioner to approach the Civil Court for appropriate interim orders. In order to enable the petitioner to workout the relief as above, further proceedings pursuant to the impugned order shall be deferred for a period of six months.

This original petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp